

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-25 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-4, 9-12, 17-20 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,414,494 to Aikens et al. (hereinafter "the '494 patent") in view of U.S. Patent No. 5,956,487 to Venkatraman et al. (hereinafter "the '487 patent") and U.S. Patent No. 5,727,135 to Webb et al. (hereinafter "the '135 patent"); and Claims 5-8, 13-16, and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '494, '478, and '135 patents, further in view of U.S. Patent No. 6,745,224 to D'Souza et al. (hereinafter "the '224 patent").

Claim 1 is directed to an object oriented method of collecting information regarding a plurality of target applications in an appliance or device, comprising: (1) receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and (2) receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the '494 patent discloses everything in Claim 1 with the exception of a first

communication protocol using a first data format, and the second receiving step, and relies on the '487 and '135 patents to remedy those deficiencies.

The '494 patent is directed to a method of automatically notifying remote devices in response to machine conditions detected by a machine monitoring element. As shown in Figs. 7 and 8, the '494 patent discloses a system in which a user can select predetermined conditions for reporting information to a remote device, such as paper jams and low toner. Further, the '494 patent discloses that such events can be reported "always" or when various thresholds are met. Moreover, as shown in Figure 2, the '494 patent discloses a copier including a plurality of wiring boards 102, 104, and 106 connected by a common channel or bus 98. However, Applicants respectfully submit that the '494 patent fails to disclose the step of receiving, from a first one of a plurality of target applications through an interface, by a monitoring device in an application or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, as recited in Claim 1. Rather, the '494 patent merely discloses that a user can set up conditions upon which information is reported from a copy machine to a remote device upon the occurrence of particular events. In particular, the '494 patent discloses a printed wiring board 108 for the control of the user interface 36 and other wiring boards provided for control of predetermined systems and components of the copier. However, Applicants note that Claim 1 is directed to a plurality of target applications in an appliance or device. Further, Claim 1 requires that one of the target applications send a request to a monitoring device in the application or device, wherein the request is a request to send information regarding monitored usage of the target application to a first destination. Thus, in Claim 1, it is the target application itself that initiates the request to send information regarding monitored usage of that target application. In contrast, the '494 patent requires a user to select certain triggering conditions via a

graphical user interface. However, the '494 patent does not disclose that a particular application or component within the '494 copier sends a request to send information regarding monitored usage of that component or application to a monitoring device in the '494 copier. Rather, the '494 patent discloses that information is automatically sent upon the occurrence of certain events, and that no requests to send monitored information are initiated by a target application within the copier, as required by Claim 1.

The '487 patent is directed to a system for embedding a web access mechanism into an appliance which allows a user to interface with the device using a web browser. As shown in Figure 1a, the '487 patent discloses a system in which a web server is provided within a device, and an embedded network interface enables access to the device web page by a web browser. However, Applicants respectfully submit that the '487 patent fails to disclose receiving, from a first one of the plurality target applications through an interface, by a monitoring device in the application or device, a request is sent first information regarding monitored usage of a first one of plurality of target applications to a first predetermined destination to a first communication protocol using a first format, as recited in Claim 1. The '487 patent does not disclose that a target application within the appliance or device sends a request to a monitoring device for the monitoring device to send information regarding monitored usage of the target application to a first predetermined destination, as recited in Claim 1. As discussed above with regard to the '494 patent, Claim 1 requires that the request comes from the target application itself for the monitoring device to send the monitored usage information of the target application that sent the request. The '487 patent does not teach or suggest a target application that sends a request for information regarding its usage to be sent to another device. Rather, the '487 patent is merely directed to a device having a web server accessible by a user through the network interface using a web browser.

The '135 patent is directed to a printing system in which a host computer is bidirectionally attached to one or more printers in a network, wherein the system provides the computer with a substantially real-time visual and functional replica of the operator panel of a selected printer. In this way, the '135 patent discloses that a user at the host computer may visually monitor the status of the multiple printers at the same time from the same host display. See '135, Figure 1. Further, the '135 patent discloses that the host computer will receive, in real-time, an indication of an error condition occurring at one or more of the printers, and that the host computer receives printer status and alert information from the printers in data packets.

Initially, Applicants note that the '135 patent is not directed to a plurality of target applications and a monitoring device that are in an appliance or device, as required by Claim 1. Further, the '135 patent does not disclose that a target application sends a request to a monitoring device for the monitoring device to send first information regarding monitored usage of the target application to a first predetermined destination, as recited in Claim 1. As discussed above, *Claim 1 requires that the request comes from the target application itself* for the monitoring device to send the monitored usage information of the target application that sent the request. The '135 application does not teach or suggest the target application that sends a request for information regarding its usage to be sent to another device. Rather, the '135 patent is directed to a system in which a host computer is able to visually and functionally duplicate the operator panel of a selected printer, thereby receiving alert and status information. In this regard, Applicants note that the Office Action relies on the '135 patent as disclosing (1) a second one of the plurality of target applications, (2) a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination, (3) a second communication protocol, and (4) a second data format, as recited in Claim 1. However, other than identifying

the Network Printer Alliance Protocol, which the Office Action states is also a format, the Office Action does not specifically equate the claimed elements with the elements disclosed by the '135 patent.

Thus, no matter how the teachings of the '454, '487, and '135 patents are combined, the combination does not teach or suggest receiving, from a first one of plurality of target applications, though an interface, by a monitoring device in an appliance or a device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, as recited in Claim 1. Further, Applicants respectfully submit that the '487, '135, and '494 patents fail to disclose the second receiving step recited in Claim 1, whether those references are taken individually or in proper combination. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-4 and 25) should be withdrawn.

Further, Applicants note that, in the outstanding Office Action, the stated motivation for combining the teachings of the '494, '487, and '135 patents is “for a visually enhanced user interface, and for providing monitoring utilizing Aiken's modem interface connected to the Internet” and “providing Aikens the benefit of bi-directional control of Aiken's status (usage) monitoring, facilitating accurate visual monitoring.”¹ However, Applicants note that Claim 1 does not recite use of the Internet, bi-directional control, or visual monitoring. Further, Applicants note that the motivation for combining the references cited in the outstanding Office Action is simply a statement of what might result from the suggested combination. The Office Action fails to provide motivation for the suggested combination, but merely states what the Office Action perceives as the result of the suggested combination.

¹ See pages 5 and 7 of the outstanding Office Action.

Thus, the Office Action is merely stating perceived advantages of Applicants' invention as motivation to combine the cited references, without identifying that, without Applicants' specification, one of ordinary skill in the art would have even thought to address the problem. Such hindsight reconstruction of Applicants' invention cannot be used to establish a *prima facie* case of obviousness. Accordingly, for this additional reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and the rejection of Claim 1 should be withdrawn.

Independent Claims 9 and 17 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejections of Claims 9 and 17 (and all similarly rejected dependent claims) should be withdrawn.

Regarding the rejection of dependent Claims 5-8, 13-16, and 21-24 under 35 U.S.C. § 103, Applicants respectfully submit that the '224 patent fails to remedy the deficiencies of the '494, '135, and 487 patents, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 5-8, 13-16, and 21-24 should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 9, 17 (and all associated dependent claims) patentably define over any proper combination of the '494, '487, and '135 patents.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

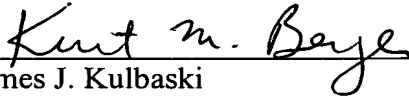
Respectfully submitted,

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